

### **REMARKS**

This responds to the Office Action mailed on June 27, 2007.

Claims 1, 8, 11, 16, 21, 23, and 25 are amended; as a result, claims 1-26 are now pending in this application.

Support for the above-mentioned amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification page 6 lines 8-30; page 9 lines 1-7, and lines 26-31; page 10 lines 1-8; and page 12 lines 15-24.

#### **Specification and Abstract Objections**

Applicant has amended the specification and abstract as suggested by the Examiner and respectfully requests withdrawal of the objections.

#### **Claim Objections**

Claims 11 and 16 were objected to due to informalities. Applicant has amended claims 11 and 16 to overcome the objections. Therefore, these objections are now moot.

#### **Declaration and Power of Attorney**

The declaration was objected to because it is missing the U.S. Application No. and the Filing Date. The declaration was filed on the application filing date with the specification and was identified by the names of the inventors, the attorney docket number and the title of the invention which was on the specification as filed. The declaration meets the identification requirements of 37 C.F.R. 1.67(a)(b)(c). Applicant respectfully requests withdrawal of the objection.

Specifically, the previous Examiner for this case had objected to the Declaration on the basis that it did not provide the U.S. Application No. and the File Date on the Declaration itself and therefore the previous Examiner believed this to be deficient under MPEP Sec. 602 for failure to properly identify the Application. Applicant's representative discussed this issue with the present and new Examiner for this case on September 26, 2007. MPEP 602 indicates that the file date and serial number does not have to be on the Declaration when the Declaration is filed

concurrent with the application and when the application is referenced as being attached to the Declaration. This was clearly done in this case and there is therefore no deficiency at all under MPEP 602. The present Examiner quickly reviewed the declaration and agreed with this assessment and asked that this be summarized in the response, which is what is being provided here.

Under MPEP 602 (VI)(A) a Declaration sufficiently identifies the application to which it relates if the inventors and title are identified (which was done) a reference is made to the attached specification being filed (which was done) and the specification is filed concurrently with the Declaration (which was done). Applicant also notes that there is no way to provide a file date and U.S. Application Number for an application when the declaration is filed concurrently with the application, since the office has not officially assigned either of these items at the time of filing.

Clearly, this objection made by the previous Examiner was in error and should be now be withdrawn.

#### Information Disclosure Statement

Applicant submitted a Supplemental Information Disclosure Statement ("SIDS") and a 1449 Form on May 17, 2007. The Examiner partially initialed the Form 1449 that accompanied this SIDS. Specifically, the Examiner did not initial European Patent No. EP 1583316B1. Applicant encloses herewith a copy of the initialed Form 1449 and a copy of the European Patent document for the Examiner's reference. Applicant requests that the Examiner considers EP 1583316B1 and returns a completely initialed copy of the Form 1449 with the next USPTO communication.

#### §102 Rejection of the Claims

Claims 1-4 and 6-26 were rejected under 35 U.S.C. § 102(b) for anticipation by Liu (U.S. 6,079,020). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the exact detail and identical arrangement in the reference cited.

Here, Liu is directed to VPN management station 160 and VPN Gateways 115 that interact to provide VPN services to local nodes. In Liu, the VPN Gateways 115 are the entities that inspect traffic and that receive all traffic emanating from local nodes. That is, all traffic passes through the VPN Gateways 115 and the VPN Gateways determine whether the traffic is to be associated with a VPN or ignored or passed through. See Liu column 7 lines 8-40. This is inefficient and places an undue amount of burden on outbound traffic not associated at all with VPN communications. It also places administrative burden on the VPN Gateway 115 that is unnecessary.

The amended claims now make clear that the methods for local transparent VPN services that process VPN communications on behalf of local clients receive only traffic that is already designated as being associated with a VPN. So, the proxy determines whether the traffic is to be VPN traffic. This is a cleaner approach and more efficient approach than what was taken in Liu.

Additionally, the Examiner has indicated that cache processing is present in Liu. Applicant completely disagrees with this assessment. The RAM discussed in Liu is for the VPN Gateway 115 to house tables for resolving when a particular local node is to be associated with a particular VPN. The content associated with a local node's requests is not cached anywhere and in any manner in Liu. This point is clear with the above introduced limitation where the client experienced accelerated data delivery. This cannot be achieved with any inherent cache found in Liu because in Liu the cache, if present at all, is strictly used for resolving whether the VPN is to exist in the first instance and not for handling data delivery that accelerates the experience of any node.

Thus, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

### §103 Rejection of the Claims

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu in further view of Mangan (U.S. Publication No. 2003/0149787A1). Claim 5 is dependent from amended independent claim 1; therefore, for the amendments and remarks presented above with respect to claim 1, the rejections of claim 5 should be withdrawn. Applicant respectfully requests an indication of the same.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

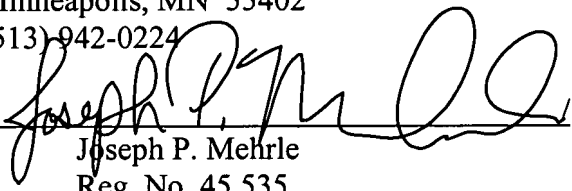
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 09/27/07

By /

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of September, 2007.

Name



Signature

